SOUTHERN DISTRI	ICT OF NEW YORK	V
RIO TINTO PLC,	Plaintiff,	: : : : : : : : : : : : : : : : : : :
VALE, S.A., et al.,	Defendants.	: : :
		: X EDANI E SUMMEDI

INTERD OF A TECHNICATION COLUMN

## DECLARATION OF PAUL E. SUMMIT IN SUPPORT OF MAHMOUD THIAM'S OBJECTION TO MAGISTRATE JUDGE ANDREW J. PECK'S MARCH 9, 2016 ORDER

PAUL E. SUMMIT, pursuant to 28 U.S.C. § 1746, declares as follows:

- 1. I am a partner at the law firm of Sullivan & Worcester LLP, counsel to defendant Mahmoud Thiam ("Thiam"), and an attorney admitted to practice in the Southern District of New York.
- 2. I submit this Declaration in support of Thiam's objection to Magistrate Judge Andrew J. Peck's March 9, 2016 Order (the "Order") permitting Vale, S.A. ("Vale") the use of certain documents produced by Thiam and his banks in this litigation, and protected by the protective order filed in this case, in Vale's separate proceeding before the London Court of International Arbitration against BSG Resources Limited, *Vale S.A., vs. BSG Resources Limited*, LCIA Arb. No. 142683. I am fully familiar with the facts of this case.
- 3. Attached as Exhibit A is a true and correct copy of the Order, which was filed in this case as ECF Doc. No. 434.
- 4. Attached as Exhibit B is a true and correct copy of this Court's March 2, 2016 Order, filed in this case as ECF Doc. No. 428.

Case 1:14-cv-03042-RMB-AJP Document 437 Filed 03/17/16 Page 2 of 2

5. Attached as Exhibit C is a true and correct copy of Thiam's Objection to Magistrate

Judge Peck's February 1, 2016 Order, redacted copies of which filed in this case on February 16,

2016 as ECF Doc. Nos. 421-422.

6. Attached as Exhibit D is a true and correct copy of Thiam's March 7, 2016 letter to

Magistrate Judge Peck, filed in this case as ECF Doc. No. 431.

7. Attached as Exhibit E is a true and correct copy of Thiam's March 9, 2016 letter to

Magistrate Judge Peck, filed in this case as ECF Doc. No. 432.

8. Attached as Exhibit F is a true and correct copy of a letter that Jonathan Blackmun,

Esq., of Cleary Gottlieb Steen & Hamilton LLP sent to me, dated January 27, 2016.

9. Attached as Exhibit G is a true and correct copy of letter than James Libson of

Mishcon de Reya LLP sent to me, enclosing Vale's six document requests related to Thiam in

the Arbitration, dated October 27, 2015.

10. Attached as Exhibit H is a true and correct copy of Magistrate Judge Peck's February

19, 2016 order, filed in this case as ECF Doc. No. 426.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York

March 17, 2016

/s/ Paul E. Summit

Paul E. Summit

- 2 -